

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

## UNITED STATES DISTRICT COURT

MAY 04 2016

for the  
District of New MexicoMATTHEW J. DYKMAN  
CLERKIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)1997 Ford Pickup Truck, New Mexico  
License Plate 772 KSM, currently located  
at 4505 Columbine NE, Albuquerque, NM 87113

Case No.

16mr 350

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

1997 Ford Pickup Truck, New Mexico License Plate 772 KSM

AS REFERENCED IN ATTACHMENT A

located in the \_\_\_\_\_ State &amp; \_\_\_\_\_ District of \_\_\_\_\_ New Mexico, there is now concealed (identify the person or describe the property to be seized):

Latent fingerprints, footwear impressions, bodily fluids and tissue, trace evidence including glass, hair, fibers and any items or materials that may have sufficient DNA present to use in forensic testing, which would be material in a criminal prosecution. AS FURTHER REFERENCED IN ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 USC 1152, Title 18	Accidents involving death or personal injury
USC 13 and 66-7-201 N.M.S.A	
(1978).	

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

James Jojola

Applicant's signature

James Jojola, BIA/OJS Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/4/16

City and state:

Albuquerque, NM

Judge's signature

Printed name and title

Steve J. Yarbrough  
Steve J. Yarbrough

IN THE UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF NEW MEXICO

ALBUQUERQUE, NEW MEXICO

IN RE: 1997 Ford Pickup Truck,           )  
New Mexico License Plate                )  
772 KSM currently located at            )  
4505 Columbine NE                        )  
Albuquerque, New Mexico 87113         )  
\_\_\_\_\_)

AFFIDAVIT

I, JAMES JOJOLA, being duly sworn, depose and say:

1) I am a Special Agent of the Bureau of Indian Affairs (BIA) and I am currently assigned to the Southern Pueblos Agency, Office of Justice Services which investigates criminal offenses that occur on Indian Reservations in the State of New Mexico. Information set forth herein was obtained as a result of my investigation and that of other law enforcement officers.

2) This affidavit is made in support of an application for a search warrant for a 1997 Blue Ford Pick Up bearing New Mexico License Plate 772 KSM which is currently secured at the Bureau of Indian Affairs, Southern Pueblos Agency, Office of Justice Services located at 4505 Columbine NE, Albuquerque, New Mexico 87113.

*KTN Approved*

3) ALVIN CAYADITTO (Deceased), year of birth 1979, Social Security Account Number XXX-XX-2996, is an enrolled tribal member of the Navajo Tribe, who resides on the Navajo Indian Reservation, in the State and District of New Mexico.

4) MELVIN CHAVEZ, year of birth 1966, Social Security Account Number XXX-XX-6915, is a non-native, who resides with his mother in the town of Bernalillo, in the State and District of New Mexico. The 1997 Ford Pickup truck, bearing New Mexico license plate 772 KSM is registered to his mother, DORA CHAVEZ.

5) On April 22, 2016, Santa Ana Tribal Police Department requested assistance from the BIA, Southern Pueblos Agency Special Agent in regards to a report of a vehicle versus pedestrian fatality crash on the Santa Ana Indian Reservation in the State and District of New Mexico.

6) The incident occurred on Highway 550 in front of the Warrior 2 gas station, within the exterior boundaries of the Santa Ana Indian Reservation, in the State and District of New Mexico.

7) On April 21, 2016, at about 9:05 p.m., Lieutenant Phillip Trujillo called the Bureau of Indian Affairs communications and requested assistance from Special Agent Jeffrey Sandoval regarding the motor vehicle fatality crash investigation, involving a pedestrian.

8) New Mexico State Police Officers Accident Reconstruction Team, Santa Ana Tribal Police and Jeffrey Sandoval conducted a joint investigation into the reported pedestrian fatality crash and the preliminary investigation and determined the following:

9) Thursday, April 21, 2016, at about 8:45 p.m. ALVIN CAYADITTO, herein referred to as CAYADITTO, was crossing highway 550 when he was struck by a motor vehicle traveling east on highway 550 in front of the Warrior 2 gas station. CAYADITTO sustained serious injuries and died at the scene. The driver of the vehicle left the scene and did not stop to render aid, and witnesses indicate the vehicle accelerated after the collision with the pedestrian.

10) Sometime after the incident, the 1997 Blue Ford Pickup bearing New Mexico License Plate 772 KSM was driven to Old Highway 44 by MELVIN CHAVEZ, herein referred to as CHAVEZ, and he parked the vehicle at 222 Rose Drive. CHAVEZ admits to driving that vehicle during the time of the incident but denies hitting any person with his vehicle.

11) An attempt to locate (ATL) was broadcast over the air on suspect vehicle information and in a short amount of time a Bernalillo Police Officer did find the suspect vehicle on Old Highway 44. Both witnesses A.M. and E.S. were placed in a police vehicle and transported to where the possible suspect vehicle was located. Both witnesses did state that they

believed this to be the vehicle that struck the pedestrian. An Officer with Bernalillo Police Department located the Blue Ford Pickup truck on Old Highway 44 in the Town of Bernalillo, New Mexico.

12) The 1997 Blue Ford Pickup was towed back to our office located at 4505 Columbine NE, Albuquerque, New Mexico 87113 by Bernalillo Towing Service and secured in the back which is secured by a chain link fenced in area and a video camera monitoring system. Affiant believes that DNA evidence or other transfer may be present on the vehicle to determine whether it was involved in the fatality.

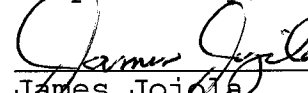
13) Items to be sought in the search of the above described vehicle are: Latent and / or prints, including but not limited to finger(s) and footwear impression(s). Bodily fluids, bodily tissue and /or organ(s) including but not limited to saliva, semen, blood, bone fragments, skin, hair and / or item(s) on and / or within them. Trace evidence, including but not limited to glass, hair and / or fiber(s) and / or any item(s) material(s) that may have said item(s) on and / or within them to include paint chip(s) and a down load from the black box from the blue ford 1997 truck.

Based on the above, the affiant believes probable cause exists for the issuance of a search warrant for the 1997 Blue Ford Pickup bearing New Mexico License Plate #772 KSM which is

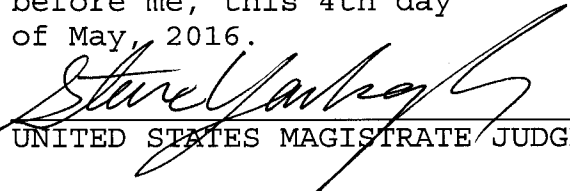
registered to Dora Chavez at 244, Old Highway 44, Bernalillo, New Mexico 87004 and is currently secured at 4505 Columbine NE, Albuquerque, New Mexico 87113. Because of the facts, investigators believe that located in the interior and exterior of the vehicle Latent and / or prints, including but not limited to finger(s) and footwear impression(s). Bodily fluids, bodily tissue and /or organ(s) including but not limited to saliva, semen, blood, bone fragments, skin, hair and / or item(s) on and / or within them. Trace evidence, including but not limited to glass, hair and / or fiber(s) and / or any item(s) material(s) that may have said item(s) on and / or within them to include paint chip(s) and a down load from the black box from the blue ford 1997 truck which is considered to be evidence of the ongoing investigation of motor vehicle crash versus pedestrian fatality and resulting in failure to render aid, a violation of Title 18, United States Code, Sections 1152, 13 and 66-7-201 N.M.S.A. (1978) .

I swear that this information is true to the best of my knowledge and belief.

Respectfully,

  
James Jojoia  
Special Agent  
Bureau of Indian Affairs

Subscribed to and sworn  
before me, this 4th day  
of May, 2016.

  
UNITED STATES MAGISTRATE JUDGE